



# CLARIFICATION QUESTIONS RESPONSES

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## Clarification Questions

According to Article 5.2.2 of the Rules of the Competition, the author may refuse to answer clarification questions if they are deemed to be unrealistic or irrelevant or dealing with matters which teams may reasonably be expected to work out for themselves in the context of the Competition. N/A therefore indicated that the Author has decided not to answer this question, rest assured that all information necessary to develop valid arguments are contained in the case facts.

- 1. Did the partnership contract entered by Blue Water Fish and The Truest Tuna state the parties' obligation to only sell farmed tuna, or could they sell both fished and farmed tuna as long as the price was kept the same for the farmed fish by both companies?**

The partnership contract did not include any clauses about price point. Both undertakings are not under any contractual obligation to sell tuna at any specific price. Both parties may sell both fished and farmed tuna as they wish.

- 2. What is the percentage missing of the other competitor in paragraph 4 which states "are responsible for around 5 percent respectively percent"?**

7 percent

- 3. What was the policy on using the Sustainable Fisherwomen ecolabel by Blue Water Fish, according to the agreement between Blue Water Fish and The Truest Tuna?**

The Sustainable Fisherwomen ecolabel is an independent ecolabel. The agreement decides nothing on the use of this ecolabel, because it is not within the competence of both parties to decide who can and who cannot use the Sustainable Fisherwomen label on their products.

- 4. Within paragraph 9, it states that Blue Water Fish (BWF) "lower the price of its regular caught tuna by almost 30%, which is only slightly above average cost", what is the difference in price between the two biggest competitors in the market selling tuna and the price of BWF, respectively in the market selling fish and the price of BWF?**

The question is not entirely clear to me, especially the latter part. The difference in price as such is, however, not relevant to the case.

- 5. Did BWF provide any other information regarding the origin and sustainability of its fish other than the Sustainable Fisherwomen ecolabel (mainly whether the fish is ocean**

caught or farmed)? If yes, did they commercialise ocean caught fish under the ‘farmed’ label’?

No. Farmed tuna is specifically labelled as farmed tuna and fished tuna is not labelled as farmed tuna.

**6. In 2022, what is the total percentage of tuna sold by BWF in the EU?**

You may assume that around 56 percent of all tuna sold in the EU in 2022 is sold by BWF.

**7. Did WBF commercialise fished tuna under the same label and price as farmed tuna?**

See question 5.

**8. What is the specific way in which BWF and The Truest Tuna collaborated for the farm (it states that they have built the farm but that there was no agreement)?**

According to BWF there was no agreement to fix prices. BWF’s argument is unrelated to the joint development and exploitation of the farm as such.

**9. In paragraph 11 of the case, are there any writing mistakes? The phrase ‘for around 5 percent respectively percent’ does not seem complete.**

See question 2.

**10. In regards to paragraph 9**

**“Blue Water Fish lowers the price of its regular ocean caught tuna by almost 30 percent, which is only slightly above average variable cost.” – is the price of ocean caught tuna only slightly above average variable cost before or after Blue Water Fish has lowered it by almost 30%?**

The price of ocean caught tuna is only slightly above average variable cost after Blue Water Fish has lowered it by almost 30 percent.

**11. In regards to paragraph 11**

**“Two competitors of Blue Water Fish that are responsible for around 5 percent respectively percent of the tuna market” – Are each of the companies responsible for**

**around 5 % of the tuna market or are they collectively responsible for 5 % of the tuna market, or is there a second percentage figure that was intended to be attached to the second company missing?**

See questions 2 and 9.

- 12. Who is the Applicant and who is the Respondent in the proceedings given that the case is titled “The Commission v. Blue Water Fish”, however in paragraph 13 it is mentioned that “Blue Water Fish challenges the respective Commission Decision” which would imply that they are the Applicant in the proceedings?**

This is a good question and you are entirely correct. During the writing process, the legal process changed, but the title did not. This was an oversight. You may read the title as Blue Water Fish v. Commission.

- 13. Are the subspecies which Blue Water Fish fishes among those subspecies who are said to suffer from overfishing?**

Yes.

- 14. The sale of which species of fish could lead to a company being awarded the Sustainable Fisherwomen™?**

The Sustainable Fisherwomen ecolabel is awarded to undertakings that sell only sustainably caught or farmed tuna. The ecolabel may also be awarded to undertakings that sell only sustainably caught or farmed salmon. Undertakings operating under the Sustainable Fisherwomen ecolabel are required to limit their catch to prevent overfishing. Furthermore, such undertakings are prohibited from employment of any fishing methods that are known to increase accidental bycatch. What these methods are exactly is irrelevant to this case.